

PRELIMINARY DRAFT

TEXAS LEGISLATIVE COUNCIL  
Special District Local  
Laws Code  
Chapter 9080  
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1	CHAPTER 9080. HALL AND DONLEY COUNTIES WATER CONTROL AND	
2	IMPROVEMENT DISTRICT NO. 1 OF HALL AND DONLEY COUNTIES	
3	SUBCHAPTER A. GENERAL PROVISIONS	
4	Sec. 9080.0001. DEFINITION . . . . .	1
5	Sec. 9080.0002. NATURE OF DISTRICT . . . . .	2
6	Sec. 9080.0003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT . . . . .	2
7	Sec. 9080.0004. DISTRICT TERRITORY . . . . .	4
8	Sec. 9080.0005. LIBERAL CONSTRUCTION OF CHAPTER . . . . .	7
9	SUBCHAPTER B. BOARD OF DIRECTORS	
10	Sec. 9080.0051. COMPOSITION OF BOARD . . . . .	7
11	SUBCHAPTER C. POWERS AND DUTIES	
12	Sec. 9080.0101. GENERAL POWERS . . . . .	9
13	Sec. 9080.0102. WATER CONTROL AND IMPROVEMENT DISTRICT	
14	POWERS . . . . .	10
15	SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS	
16	Sec. 9080.0151. TAX METHOD . . . . .	12
17	CHAPTER 9080. HALL AND DONLEY COUNTIES WATER CONTROL AND	
18	IMPROVEMENT DISTRICT NO. 1 OF HALL AND DONLEY COUNTIES	
19	SUBCHAPTER A. GENERAL PROVISIONS	
20	<u>Revised Law</u>	
21	Sec. 9080.0001. DEFINITION. In this chapter, "district"	
22	means the Hall and Donley Counties Water Control and Improvement	
23	District No. 1 of Hall and Donley Counties. (Acts 56th Leg., R.S.,	
24	Ch. 424, Sec. 1 (part); Acts 59th Leg., R.S., Ch. 189, Sec. 1	
25	(part); New.)	

## Source Law

[Acts 56th Leg., R.S., Ch. 424]

Sec. 1. . . . Hall and Donley Counties Water Control and Improvement District Number One of Hall and Donley Counties, Texas, . . . .

[Acts 59th Leg., R.S., Ch. 189]

Sec. 1. . . . Hall and Donley Counties Water Control and Improvement District Number One of Hall and Donley Counties, Texas, . . . .

## Revisor's Note

The definition of "district" is added to the revised law for drafting convenience and to eliminate frequent, unnecessary repetition of the substance of the definition.

## Revised Law

Sec. 9080.0002. NATURE OF DISTRICT. The district is a conservation and reclamation district established under Section 59, Article XVI, Texas Constitution. (Acts 56th Leg., R.S., Ch. 424, Sec. 1 (part); Acts 59th Leg., R.S., Ch. 189, Sec. 1 (part).)

## Source Law

[Acts 56th Leg., R.S., Ch. 424]

Sec. 1. . . . Said District shall continue to exist as a conservation and reclamation district pursuant to Article XVI, Section 59, of the Texas Constitution and . . . .

[Acts 59th Leg., R.S., Ch. 189]

Sec. 1. . . . Said District shall continue to exist as a conservation and reclamation district pursuant to Article XVI, Section 59, of the Texas Constitution and . . . .

## Revised Law

Sec. 9080.0003. FINDINGS OF PUBLIC PURPOSE AND BENEFIT.

(a) The district is essential to the accomplishment of the preservation and conservation of the natural resources of this state.

(b) All land and other property in the district will benefit from the district and the district's improvements and from the preservation and conservation of the natural resources of this state.

(c) This chapter addresses a subject in which the state is

1 interested. (Acts 56th Leg., R.S., Ch. 424, Sec. 7 (part); Acts  
2 59th Leg., R.S., Ch. 189, Secs. 2 (part), 7 (part).)

3 Source Law

4 [Acts 56th Leg., R.S., Ch. 424]

5 Sec. 7. The Legislature hereby declares that  
6 said District is established under the provisions of  
7 Section 59 of Article XVI of the Texas Constitution;  
8 that the enactment hereof is in fulfillment of a duty  
9 imposed by said Constitutional provision to pass such  
10 laws as may be appropriate in the preservation and  
11 conservation of the natural resources of the State;  
12 that said District is essential to the accomplishment  
13 of these purposes; that this Act operates upon a  
14 subject in which the State at large is interested; and  
15 that all other land and property located within the  
16 limits of the District is and will be benefited by the  
17 purposes for which the District is created. . . .

18 [Acts 59th Leg., R.S., Ch. 189]

19 Sec. 2. [The boundaries of said District  
20 heretofore and herein established as follows:]

21 . . .  
22 . . . It is hereby found and determined that all  
23 lands and other property included within the aforesaid  
24 boundaries are and will be benefited by the District  
25 and its improvements and . . . .

26 Sec. 7. The Legislature hereby declares that  
27 said District is established under the provisions of  
28 Section 59 of Article XVI of the Texas Constitution;  
29 that the enactment hereof is in fulfillment of a duty  
30 imposed by said Constitutional provision to pass such  
31 laws as may be appropriate in the preservation and  
32 conservation of the natural resources of the State;  
33 that said District is essential to the accomplishment  
34 of these purposes; that this Act operates upon a  
35 subject in which the State at large is interested; that  
36 all other land and property located within the limits  
37 of the District is and will be benefited by the  
38 purposes for which the District is created. . . .

39 Revisor's Note

40 (1) Section 7, Chapter 424, Acts of the 56th  
41 Legislature, Regular Session, 1959, and Section 7,  
42 Chapter 189, Acts of the 59th Legislature, Regular  
43 Session, 1965, contain a legislative declaration of a  
44 constitutional "duty" to enact Chapters 424 and 189 as  
45 law. The revised law omits the declaration by the  
46 legislature as executed.

47 (2) Section 7, Chapter 424, Acts of the 56th  
48 Legislature, Regular Session, 1959, and Section 7,  
49 Chapter 189, Acts of the 59th Legislature, Regular  
50 Session, 1965, refer to "all other land and property"

1 in the district. Section 2, Chapter 189, Acts of the  
2 59th Legislature, Regular Session, 1965, refers to  
3 "all lands and other property" in the district. The  
4 revised law omits "all other land and property"  
5 because "all lands and other property" is the more  
6 commonly used phrase. Section 7, Chapter 424, and  
7 Section 7, Chapter 189, do not contain a prior  
8 reference to any type of land before referring to  
9 "other land" and, therefore, the phrase "all other  
10 land and property" is likely a typographical error.

11 Revised Law

12 Sec. 9080.0004. DISTRICT TERRITORY. (a) The district is  
13 composed of the territory described by Section 2, Chapter 189, Acts  
14 of the 59th Legislature, Regular Session, 1965, as that territory  
15 may have been modified under:

- 16 (1) Subchapter J, Chapter 49, Water Code;  
17 (2) Subchapter O, Chapter 51, Water Code; or  
18 (3) other law.

19 (b) The district includes all land and property in the  
20 district's territory. (Acts 59th Leg., R.S., Ch. 189, Sec. 2  
21 (part); New.)

22 Source Law

23 Sec. 2. [The boundaries of said District  
24 heretofore and herein established as follows:]  
25 . . .  
26 . . . said District shall embrace all land and  
27 property contained within the area delineated by said  
28 boundaries. . . .

29 Revisor's Note

30 (1) Section 2, Chapter 189, Acts of the 59th  
31 Legislature, Regular Session, 1965, includes  
32 statutory language describing the boundaries of the  
33 district as those boundaries existed at the time  
34 Chapter 189 was enacted. The revision of the law  
35 governing the district does not revise the statutory  
36 language describing the territory of the district to

1       avoid the lengthy recitation of the description and  
2       because that description may not be accurate on the  
3       effective date of the revision or at the time of a  
4       later reading. For the reader's convenience, the  
5       revised law includes references to the statutory  
6       description of the district's territory in Chapter 189  
7       and to statutory authority to change the district's  
8       territory under Subchapter J, Chapter 49, Water Code,  
9       applicable to the district under Sections 49.001 and  
10      49.002 of that chapter and Section 9080.0102 of this  
11      chapter, and under Subchapter O, Chapter 51, Water  
12      Code, applicable to water control and improvement  
13      districts. The revised law also includes a reference  
14      to the general authority of the legislature to enact  
15      other laws to change the district's territory.

16           (2) Section 2, Chapter 424, Acts of the 56th  
17      Legislature, Regular Session, 1959, includes  
18      statutory language describing the boundaries of the  
19      district as those boundaries existed at the time  
20      Chapter 424 was enacted. Under Section 311.025,  
21      Government Code (Code Construction Act), if statutes  
22      enacted at the same or different sessions of the  
23      legislature are irreconcilable, the statute latest in  
24      date of enactment prevails. Because the boundaries in  
25      Chapter 189 are different from, and therefore  
26      irreconcilable with, the boundaries in Chapter 424,  
27      and Chapter 189 was enacted after Chapter 424, the  
28      revised law omits any reference to the outdated  
29      boundaries in Chapter 424. The omitted law reads:

30                   Sec. 2. The boundaries of said  
31                   District heretofore and herein established  
32                   as follows:

33                   BEGINNING at the Southwest corner of  
34                   Section No. 18, Block 2, T. & P. Ry. Co.  
35                   Survey in Hall County, Texas, a point on the  
36                   North bank of the Prairie Dog Town Fork of  
37                   Red River;

38                   THENCE North with section lines to the

Northeast corner of Section 87, Block 2, T. & P. Ry. Co. Survey;  
 THENCE West with the North line of said Section No. 87, to its Northwest corner;  
 THENCE North with the West line of Section 98, Blk. 2, T. & P. Ry. Co. to its Northwest corner;  
 THENCE West with the South line of Section 120, Block 2, T. & P. Ry. Co. Survey to its Southwest corner;  
 THENCE North along the West lines of Section 120, T. & P. Ry. Co., Block 2, and Section 12, Block 2, J. Poitevent to the South line of Block B, John G. Adair Survey, crossing Block 1, C. L. Benson, and Section 5, Block X, W. H. Martin, and intersecting the South line of Section 6, Block B, John G. Adair, East of its Southwest corner and East of the Northwest corner of Section 5, Block X;  
 THENCE West to the Southwest corner of Section 6, Block B, John G. Adair;  
 THENCE North with its West line to the Southwest corner of Section 11, Block B, John G. Adair;  
 THENCE North to the Northwest corner of said section 11;  
 THENCE West to a point in the East line of Section 8, W. H. Martin;  
 THENCE North to the Northeast corner of said Section 8, W. H. Martin;  
 THENCE North along section lines to the Northwest corner of Section 33, Block G-7, Adair and Goodnight Survey in Donley County, Texas;  
 THENCE East to the Southwest corner of Section 29, Block G-7, Adair and Goodnight;  
 THENCE North with section lines to the Northwest corner of Section 28, Blk G-7, Adair & Goodnight Survey;  
 THENCE East along section lines to the Southwest corner of Section 26, Block G-7, Adair & Goodnight Survey and the said point also being the most northerly Southeast corner of Section No. 27, Block G-7, Adair and Goodnight;  
 THENCE North to the Northwest corner of said Section 26;  
 THENCE East to the Northeast corner of said Section 26;  
 THENCE North to the Northwest corner of Section 167, Block E. D. & P. Ry. Co.;  
 THENCE East to the NE corner of Section 132, Block C6, G. C. & S. F. RR Co.;  
 THENCE South to the NE corner of Section No. 134, Block C6, G. C. & S. F. RR Co.;  
 THENCE East to the Southwest corner of Section 71, Block 20, H. & G. N. Ry. Co.;  
 THENCE East to the Southwest corner of Section 73, Block No. 20, H. & G. N. Ry. Co.;  
 THENCE South to the Northwest corner of Section 28, Block 20, H. & G. N. Ry. Co. Survey;  
 THENCE East along the North line of Section 28, Block 20, H. & G. N. Ry. Co. to its Northeast corner;

1           THENCE South along section lines to  
2 the Southeast corner of Section 18 of Block  
3 18, H. & G. N. RR Co.;

4           THENCE West to the Northeast corner of  
5 Block 1, Section 115, S. P. R. R. Co.;

6           THENCE South to the Southeast corner  
7 of same;

8           THENCE East to the Northeast corner of  
9 Section 107, Block 1, S. P. R. R. Co.;

10          THENCE South to the Southeast corner  
11 of Section 53, Block 1, S. P. R. R. Co.  
12 Survey, a point on the North bank of the  
13 Prairie Dog Town Fork of Red River in Hall  
14 County, Texas;

15          THENCE Westerly with said North bank  
16 following the meanders of said river and  
17 section lines to the BEGINNING; . . . said  
18 District shall embrace all land and  
19 property contained within the area  
20 delineated by said boundaries. It is hereby  
21 found and determined that all lands and  
22 other property included within the  
23 aforesaid boundaries are and will be  
24 benefited by the District and its  
25 improvements and . . . .

26                           Revised Law

27          Sec. 9080.0005. LIBERAL CONSTRUCTION OF CHAPTER. This  
28 chapter shall be liberally construed to effect the purpose and  
29 objectives stated in this chapter. (Acts 56th Leg., R.S., Ch. 424,  
30 Sec. 7 (part); Acts 59th Leg., R.S., Ch. 189, Sec. 7 (part).)

31                           Source Law

32          [Acts 56th Leg., R.S., Ch. 424]

33          Sec. 7. . . . All terms and provisions of this  
34 Act are to be liberally construed to effectuate the  
35 purpose and objectives herein set forth.

36          [Acts 59th Leg., R.S., Ch. 189]

37          Sec. 7. . . . All terms and provisions of this  
38 Act are to be liberally construed to effectuate the  
39 purpose and objectives herein set forth.

40                           SUBCHAPTER B. BOARD OF DIRECTORS

41                           Revised Law

42          Sec. 9080.0051. COMPOSITION OF BOARD. The district's board  
43 of directors is composed of five elected directors. (New.)

44                           Revisor's Note

45          (1) Section 4, Chapter 424, Acts of the 56th  
46 Legislature, Regular Session, 1959, and Section 4,  
47 Chapter 189, Acts of the 59th Legislature, Regular  
48 Session, 1965, each validate the appointment or  
49 election of five named directors of the district,

1 provide that those directors continue to serve until  
2 their successors are elected, and establish the dates  
3 that the terms of the named directors expire. The  
4 revised law omits those provisions as executed. For  
5 the reader's convenience, the revised law substitutes  
6 a provision that states the board is composed of five  
7 elected directors, which conforms with the number of  
8 named directors in Section 4, Chapter 424, and Section  
9 4, Chapter 189, and the requirement that successors be  
10 elected. The omitted law reads:

11 [Acts 56th Leg., R.S., Ch. 424]

12 Sec. 4. The appointment and/or  
13 election of Directors of said District, to  
14 wit: Oren Jones, Luther Neighbors, C. L.  
15 Benson, David Hudgins, and Del E. Wells, is  
16 hereby ratified, confirmed, approved and  
17 validated and such directors shall continue  
18 to serve until their successors have been  
19 duly elected and duly qualified as provided  
20 by General Law pertaining to Water Control  
21 and Improvement Districts. The term of the  
22 first two named directors shall expire  
23 January, 1960, and the term of the last  
24 three named directors shall expire January,  
25 1961. . . .

26 [Acts 59th Leg., R.S., Ch. 189]

27 Sec. 4. The appointment and/or  
28 election of directors of said District, to  
29 wit: Paul Montgomery, O. E. Gardenhire,  
30 Joyce Webster, J. B. Byars and C. V. Murff  
31 is hereby ratified, confirmed, approved and  
32 validated, and such directors shall  
33 continue to serve until their successors  
34 have been duly elected and duly qualified as  
35 provided by general law pertaining to Water  
36 Control and Improvement Districts. The term  
37 of the first three named directors shall  
38 expire January, 1966, and the term of the  
39 last two named directors shall expire  
40 January, 1967. . . .

41 (2) Section 4, Chapter 424, Acts of the 56th  
42 Legislature, Regular Session, 1959, and Section 4,  
43 Chapter 189, Acts of the 59th Legislature, Regular  
44 Session, 1965, provide that successor directors serve  
45 terms of two years. The revised law omits that  
46 provision because it was superseded by Section  
47 49.103(a), Water Code, enacted in 1995, which applies  
48 to the district under Sections 49.103(e), 49.001(a),

1 and 49.002, Water Code, and provides that directors  
2 serve staggered four-year terms. The omitted law  
3 reads:

4 [Acts 56th Leg., R.S., Ch. 424]  
5 Sec. 4. . . . Successors in office  
6 shall serve for terms of two years.

7 [Acts 59th Leg., R.S., Ch. 189]  
8 Sec. 4. . . . Successors in office  
9 shall serve for terms of two years.

10 SUBCHAPTER C. POWERS AND DUTIES

11 Revised Law

12 Sec. 9080.0101. GENERAL POWERS. The district may exercise  
13 the powers essential to the accomplishment of the purposes of  
14 Section 59, Article XVI, Texas Constitution, and may exercise the  
15 rights, powers, privileges, and functions implied by that section.  
16 (Acts 56th Leg., R.S., Ch. 424, Sec. 1 (part); Acts 59th Leg.,  
17 R.S., Ch. 189, Sec. 1 (part).)

18 Source Law

19 [Acts 56th Leg., R.S., Ch. 424]  
20 Sec. 1. . . . [Said District shall continue to  
21 exist as a conservation and reclamation district  
22 pursuant to Article XVI, Section 59, of the Texas  
23 Constitution and] shall be recognized to exercise all  
24 of the powers and be a governmental agency and body  
25 politic and corporate essential to the accomplishment  
26 of the purposes of said constitutional provisions and  
27 created to exercise such rights, powers, privileges  
28 and functions as may be contemplated or implied by the  
29 aforesaid constitutional provision, . . . .

30 [Acts 59th Leg., R.S., Ch. 189]  
31 Sec. 1. . . . [Said District shall continue to  
32 exist as a conservation and reclamation district  
33 pursuant to Article XVI, Section 59, of the Texas  
34 Constitution and] shall be recognized to exercise all  
35 of the powers and be a governmental agency and body  
36 politic and corporate essential to the accomplishment  
37 of the purposes of said Constitutional provisions and  
38 created to exercise such rights, powers, privileges  
39 and functions as may be contemplated or implied by the  
40 aforesaid Constitutional provision, . . . .

41 Revisor's Note

42 (1) Section 1, Chapter 424, Acts of the 56th  
43 Legislature, Regular Session, 1959, and Section 1,  
44 Chapter 189, Acts of the 59th Legislature, Regular  
45 Session, 1965, provide that the district is a  
46 "governmental agency and body politic and corporate."

1 The revised law omits that provision because it  
2 duplicates a portion of Section 59(b), Article XVI,  
3 Texas Constitution, which provides that a conservation  
4 and reclamation district is a governmental agency and  
5 a body politic and corporate.

6 (2) Section 1, Chapter 424, Acts of the 56th  
7 Legislature, Regular Session, 1959, and Section 1,  
8 Chapter 189, Acts of the 59th Legislature, Regular  
9 Session, 1965, refer to rights, powers, privileges,  
10 and functions that are "contemplated or implied" by  
11 Section 59, Article XVI, Texas Constitution. The  
12 revised law omits "contemplated" because the meaning  
13 of the term is included in the meaning of "implied."

14 (3) Section 1, Chapter 424, Acts of the 56th  
15 Legislature, Regular Session, 1959, and Section 1,  
16 Chapter 189, Acts of the 59th Legislature, 1965, state  
17 that the district "shall be recognized to exercise"  
18 certain powers and "[shall be] created to exercise"  
19 certain rights, powers, privileges, and functions.  
20 The revised law substitutes "may exercise" for the  
21 quoted language because "may exercise" is more concise  
22 and is the substantive equivalent of the quoted  
23 language. The revised law also omits the reference to  
24 the district as "created" for specific purposes as  
25 executed.

#### 26 Revised Law

27 Sec. 9080.0102. WATER CONTROL AND IMPROVEMENT DISTRICT  
28 POWERS. The district has the rights, powers, privileges, and  
29 functions provided by general law applicable to a water control and  
30 improvement district, including Chapters 49 and 51, Water Code.  
31 (Acts 56th Leg., R.S., Ch. 424, Sec. 1 (part); Acts 59th Leg.,  
32 R.S., Ch. 189, Sec. 1 (part).)

#### 33 Source Law

34 [Acts 56th Leg., R.S., Ch. 424]

1           Sec. 1. . . . [Said District shall continue to  
2 exist as a conservation and reclamation district  
3 pursuant to Article XVI, Section 59, of the Texas  
4 Constitution and shall be recognized to exercise all  
5 of the powers and be a governmental agency and body  
6 politic and corporate essential to the accomplishment  
7 of the purposes of said constitutional provisions and  
8 created to exercise such rights, powers, privileges  
9 and functions as may be contemplated or implied by the  
10 aforesaid constitutional provision,] also those now or  
11 hereafter conferred by the General Laws of the State  
12 relating to Water Control and Improvement Districts  
13 wherein not in conflict with this Act.

14           [Acts 59th Leg., R.S., Ch. 189]

15           Sec. 1. . . . [Said District shall continue to  
16 exist as a conservation and reclamation district  
17 pursuant to Article XVI, Section 59, of the Texas  
18 Constitution and shall be recognized to exercise all  
19 of the powers and be a governmental agency and body  
20 politic and corporate essential to the accomplishment  
21 of the purposes of said Constitutional provisions and  
22 created to exercise such rights, powers, privileges  
23 and functions as may be contemplated or implied by the  
24 aforesaid Constitutional provision,] also those now or  
25 hereafter conferred by the General Laws of the State  
26 relating to Water Control and Improvement Districts  
27 wherein not in conflict with this Act.

28                               Revisor's Note

29           (1) Section 1, Chapter 424, Acts of the 56th  
30 Legislature, Regular Session, 1959, and Section 1,  
31 Chapter 189, Acts of the 59th Legislature, Regular  
32 Session, 1965, state that the district has the rights,  
33 powers, privileges, and functions "now or hereafter  
34 conferred" by the general laws of this state. The  
35 revised law omits the quoted phrase as unnecessary  
36 under accepted general principles of statutory  
37 construction. The "General Laws of the State" means  
38 those laws in effect at the time the provision was  
39 enacted. It is not necessary to state that the  
40 district may be granted additional powers by later  
41 enacted laws because those laws will apply on their own  
42 terms.

43           (2) Section 1, Chapter 424, Acts of the 56th  
44 Legislature, Regular Session, 1959, and Section 1,  
45 Chapter 189, Acts of the 59th Legislature, Regular  
46 Session, 1965, refer to the general laws applicable to  
47 water control and improvement districts. For the

1 reader's convenience, the revised law adds references  
2 to Chapter 49, Water Code, applicable to the district  
3 under Sections 49.001(a) and 49.002 of that chapter,  
4 and Chapter 51, Water Code, applicable to water  
5 control and improvement districts.

6 (3) Section 1, Chapter 424, Acts of the 56th  
7 Legislature, Regular Session, 1959, and Section 1,  
8 Chapter 189, Acts of the 59th Legislature, Regular  
9 Session, 1965, provide that the district has the  
10 rights, powers, privileges, and functions provided by  
11 general law to water control and improvement districts  
12 "wherein not in conflict with this Act." The revised  
13 law omits the quoted language because that language  
14 duplicates, in substance, Section 311.026(b),  
15 Government Code (Code Construction Act), which  
16 provides that if there is a conflict between a general  
17 provision of law and a special or local provision, the  
18 special or local provision prevails unless the general  
19 provision is the later enactment and the manifest  
20 intent is that the general provision prevail.

#### 21 SUBCHAPTER D. GENERAL FINANCIAL PROVISIONS

##### 22 Revised Law

23 Sec. 9080.0151. TAX METHOD. (a) The district shall use the  
24 ad valorem plan of taxation.

25 (b) The district is not required to have a hearing on the  
26 plan of taxation. (Acts 56th Leg., R.S., Ch. 424, Sec. 5; Acts 59th  
27 Leg., R.S., Ch. 189, Sec. 5.)

##### 28 Source Law

29 [Acts 56th Leg., R.S., Ch. 424]

30 Sec. 5. All taxes levied by the District shall  
31 be on the ad valorem basis and it shall not be  
32 necessary for the District to have any hearings on the  
33 plan of taxation.

34 [Acts 59th Leg., R.S., Ch. 189]

35 Sec. 5. All taxes levied by the District shall  
36 be on the ad valorem basis and it shall not be  
37 necessary for the District to have any hearings on the  
38 plan of taxation.



1 proceedings of the State Board of Water  
2 Engineers in creating the District and all  
3 actions, orders, or other proceedings in  
4 the calling, conducting, and declaring the  
5 results of the election for the  
6 confirmation of such District and the  
7 election of Directors therefor.

8 (b) All actions of the Board of  
9 Directors of the District in authorizing  
10 the levying, assessment and collection of  
11 taxes for the said District and in adopting  
12 its tax rolls.

13 [Acts 59th Leg., R.S., Ch. 189]

14 Sec. 1. All proceedings and actions  
15 heretofore had and taken in the creation,  
16 organization and operation of [Hall and  
17 Donley Counties Water Control and  
18 Improvement District Number One of Hall and  
19 Donley Counties, Texas,] created or sought  
20 to be created under the provisions of  
21 Article XVI, Section 59, of the Texas  
22 Constitution and the General Laws of the  
23 State enacted pursuant thereto, are hereby  
24 in all things and in all respects ratified,  
25 confirmed, approved and validated as of the  
26 respective dates of such proceedings and  
27 actions notwithstanding that any of such  
28 proceedings and actions may not have been  
29 had or accomplished in all respects in  
30 strict accordance with the appropriate  
31 statutory provisions relating thereto.  
32 . . .

33 Sec. 2. [The boundaries of said  
34 District heretofore and herein established  
35 as follows:]

36 . . .  
37 . . . are hereby in all things and in  
38 all respects ratified, confirmed, approved  
39 and validated and . . . .

40 Sec. 3. Without in anywise limiting  
41 the generality of the foregoing the  
42 following matters are hereby in all things  
43 and in all respects ratified, confirmed,  
44 approved and validated:

45 (a) All actions, orders, or other  
46 proceedings of the State Board of Water  
47 Engineers in creating the District and all  
48 actions, orders, or other proceedings in  
49 the calling, conducting, and declaring the  
50 results of the election for the  
51 confirmation of such District and the  
52 election of Directors therefor.

53 (b) All actions of the Board of  
54 Directors of the District in authorizing  
55 the levying, assessment and collection of  
56 taxes for the said District and in adopting  
57 its tax rolls.

58 (2) Section 2, Chapter 424, Acts of the 56th  
59 Legislature, Regular Session, 1959, and Section 2,  
60 Chapter 189, Acts of the 59th Legislature, Regular  
61 Session, 1965, provide that the district is not  
62 required to hold hearings to exclude territory and

1       that "no exclusions shall be made." The revised law  
2       omits those exclusion provisions as executed. In the  
3       context of the general laws applicable to water  
4       control and improvement districts in effect in 1959  
5       and 1965, the provisions are exceptions to a law that  
6       would only have applied to the district at the time of  
7       its creation. The general laws applicable to water  
8       control and improvement districts in effect in 1959  
9       and 1965 required a water control and improvement  
10      district to hold hearings at the time of the district's  
11      creation on the exclusion of certain land from the  
12      district.

13             In context, the statements in Section 2, Chapter  
14      424, and Section 2, Chapter 189, that exclusion  
15      hearings are not required appear to address those  
16      general law provisions. Even though the district had  
17      already been created when Chapters 424 and 189 were  
18      enacted, those chapters essentially re-created the  
19      district by validating the creation of the district by  
20      the State Board of Water Engineers (as described in  
21      Section 3, Chapter 424, and Section 3, Chapter 189) and  
22      stating that the district would continue to exist as a  
23      conservation and reclamation district.

24             The power or duty to hold a hearing to exclude  
25      land subsequent to the creation of the district is  
26      governed by Subchapter J, Chapter 49, Water Code,  
27      which applies to the district under Sections 49.001  
28      and 49.002 of that code, and Subchapter O, Chapter 51,  
29      Water Code, applicable to water control and  
30      improvement districts. The omitted law reads:

31             [Acts 56th Leg., R.S., Ch. 424]  
32             Sec. 2. . . . [It is hereby found and  
33             determined that all lands and other  
34             property included within the aforesaid  
35             boundaries are and will be benefited by the  
36             District and its improvements and] it shall  
37             not be necessary for the District to hold

1 any exclusion hearings and no exclusions  
2 shall be made.

3 [Acts 59th Leg., R.S., Ch. 189]

4 Sec. 2. . . . [It is hereby found and  
5 determined that all lands and other  
6 property included within the aforesaid  
7 boundaries are and will be benefited by the  
8 District and its improvements and] it shall  
9 not be necessary for the District to hold  
10 any exclusion hearings and no exclusions  
11 shall be made.

12 (3) Section 6, Chapter 424, Acts of the 56th  
13 Legislature, Regular Session, 1959, and Section 6,  
14 Chapter 189, Acts of the 59th Legislature, Regular  
15 Session, 1965, list the entities for which district  
16 bonds are legal investments and provide that district  
17 bonds may secure deposits of public funds of the state  
18 or political subdivisions. The revised law omits the  
19 provisions relating to the eligibility of district  
20 bonds to be considered as investments for various  
21 entities because they duplicate, in substance, Section  
22 49.186, Water Code, applicable to the district under  
23 Sections 49.001 and 49.002 of that code. While both  
24 sections list "guardians" and Section 49.186, Water  
25 Code, does not, Section 49.186 includes "fiduciaries,"  
26 and a guardian is a fiduciary. The revised law omits  
27 the provisions relating to the use of district bonds as  
28 security for deposits of state funds as impliedly  
29 repealed by Section 404.0221, Government Code (enacted  
30 in 1995), which lists eligible collateral for deposits  
31 of state funds by the comptroller, and by Section  
32 404.031, Government Code (enacted in 1985 as Section  
33 3.001, Article 4393-1, Vernon's Texas Civil Statutes),  
34 which provides for the valuation of that collateral.  
35 As to securing deposits of other funds, the provisions  
36 are impliedly repealed by Chapter 2257, Government  
37 Code (enacted in 1989 as Article 2529d, Vernon's Texas  
38 Civil Statutes), which governs eligible collateral for  
39 deposits of funds of other public agencies, including

1 political subdivisions, and permits those deposits to  
2 be secured by obligations issued by conservation and  
3 reclamation districts. The omitted law reads:

4 [Acts 56th Leg., R.S., Ch. 424]

5 Sec. 6. All bonds of the District  
6 shall be and are hereby declared to be legal  
7 and authorized investments for banks,  
8 savings banks, trust companies, building  
9 and loan associations, insurance companies,  
10 fiduciaries, trustees, guardians, and for  
11 the sinking funds of cities, towns,  
12 villages, counties, school districts or  
13 other political corporations or  
14 subdivisions of the State of Texas. Such  
15 bonds shall be eligible to secure the  
16 deposit of any and all public funds of the  
17 State of Texas and any and all public funds  
18 of cities, towns, villages, counties,  
19 school districts or other political  
20 corporations or subdivisions of the State  
21 of Texas; and such bonds shall be lawful and  
22 sufficient security for said deposits to  
23 the extent of their par value.

24 [Acts 59th Leg., R.S., Ch. 189]

25 Sec. 6. All bonds of the District  
26 shall be and are hereby declared to be legal  
27 and authorized investments for banks,  
28 savings banks, trust companies, building  
29 and loan associations, insurance companies,  
30 fiduciaries, trustees, guardians, and for  
31 the sinking funds of cities, towns,  
32 villages, counties, school districts or  
33 other political corporations or  
34 subdivisions of the State of Texas. Such  
35 bonds shall be eligible to secure the  
36 deposit of any and all public funds of the  
37 State of Texas and any and all public funds  
38 of cities, towns, villages, counties,  
39 school districts or other political  
40 corporations or subdivisions of the State  
41 of Texas; and such bonds shall be lawful and  
42 sufficient security for said deposits to  
43 the extent of their par value.